

104TH CONGRESS
1ST SESSION

S. 817

To require the Secretary of the Treasury to mint coins in commemoration
of Native American history and culture.

IN THE SENATE OF THE UNITED STATES

MAY 18 (legislative day, MAY 15), 1995

Mr. CAMPBELL (for himself, Mr. COCHRAN, Mr. HATCH, Mr. MACK, Mr. DEWINE, and Mr. MCCAIN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To require the Secretary of the Treasury to mint coins
in commemoration of Native American history and culture.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States Buffalo
5 Nickel Act of 1995”.

6 **SEC. 2. COIN SPECIFICATIONS.**

7 (a) DENOMINATIONS.—Notwithstanding any other
8 provision of law, during the 3-year period beginning on
9 January 1, 1998, the Secretary of the Treasury (hereafter

1 in this Act referred to as the “Secretary”) shall mint and
2 issue each year not more than 1,000,000 5-cent coins,
3 which shall—

- 4 (1) weigh 5 grams;
- 5 (2) have a diameter of 0.835 inches; and
- 6 (3) contain an alloy of 90 percent silver and 10
7 percent copper.

8 (b) **LEGAL TENDER.**—The coins minted under this
9 Act shall be legal tender, as provided in section 5103 of
10 title 31, United States Code.

11 (c) **NUMISMATIC ITEMS.**—For purposes of section
12 5134 of title 31, United States Code, all coins minted
13 under this Act shall be considered to be numismatic items.

14 **SEC. 3. SOURCES OF BULLION.**

15 The Secretary shall obtain silver for minting coins
16 under this Act only from stockpiles established under the
17 Strategic and Critical Materials Stockpiling Act.

18 **SEC. 4. DESIGN OF COINS.**

19 (a) **DESIGN REQUIREMENTS.**—

- 20 (1) **IN GENERAL.**—The design of the coins
21 minted under this Act shall be a reproduction of the
22 original 5-cent coin designed by James Earle Fraser
23 and minted from 1913 to 1938, depicting on the ob-
24 verse side a profile of a Native American, and on the
25 reverse side a buffalo.

1 (2) DESIGNATIONS AND INSCRIPTIONS.—On
2 each coin minted under this Act there shall be—

3 (A) a designation of the value of the coin;

4 (B) an inscription of the year; and

5 (C) inscriptions of the words “United
6 States of America”, “Liberty”, and “E
7 Pluribus Unum”.

8 (b) SELECTION.—The design for the coins minted
9 under this Act shall be—

10 (1) selected by the Secretary after consultation
11 with the Committee on Banking, Housing, and
12 Urban Affairs and the Committee on Indian Affairs
13 of the United States Senate, and the Commission of
14 Fine Arts; and

15 (2) reviewed by the Citizens Commemorative
16 Coin Advisory Committee.

17 **SEC. 5. ISSUANCE OF COINS.**

18 (a) QUALITY OF COINS.—Coins minted under this
19 Act shall be issued in uncirculated and proof qualities.

20 (b) MINT FACILITY.—Only 1 facility of the United
21 States Mint may be used to strike any particular combina-
22 tion of denomination and quality of the coins minted under
23 this Act.

1 (c) COMMENCEMENT OF ISSUANCE.—The Secretary
2 may issue coins minted under this Act beginning January
3 1, 1998.

4 (d) TERMINATION OF MINTING AUTHORITY.—No
5 coins may be minted under this Act after December 31,
6 2000.

7 **SEC. 6. SALE OF COINS.**

8 (a) SALE PRICE.—The coins issued under this Act
9 shall be sold by the Secretary at a price equal to the sum
10 of—

11 (1) the face value of the coins;

12 (2) the surcharge provided in subsection (d)
13 with respect to such coins; and

14 (3) the cost of designing and issuing the coins
15 (including labor, materials, dies, use of machinery,
16 overhead expenses, marketing, and shipping).

17 (b) BULK SALES.—The Secretary shall make bulk
18 sales of the coins issued under this Act at a reasonable
19 discount.

20 (c) PREPAID ORDERS.—

21 (1) IN GENERAL.—The Secretary shall accept
22 prepaid orders for the coins minted under this Act
23 before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to pre-paid orders under paragraph (1) shall be at a reasonable discount.

4 (d) SURCHARGES.—All sales shall include a sur-
5 charge of \$1.00 per coin.

6 SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULA-
7 TIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

17 SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) PARK MAINTENANCE AND UPKEEP FUND.—

There shall be established among the depository accounts of the National Park Foundation (hereafter in this Act referred to as “the Foundation”), a charitable and non-profit corporation established under the Act of December 18, 1967 (81 Stat. 656; 16 U.S.C. 19en), an account to be known as the “Park Maintenance and Upkeep Fund” (hereafter in this Act referred to as “the Fund”). Monies

1 deposited in the Fund shall be expended solely and exclu-
2 sively on the maintenance, repair, and general upkeep of
3 facilities including, but not limited to, buildings, trails and
4 utilities, within units of the National Park System. Under
5 no circumstances will monies from the Fund be used for
6 the construction of new facilities.

7 (b) DEPOSITS.—Surcharges received by the Secretary
8 from the sale of coins issued under this Act shall be paid
9 promptly by the Secretary to the Foundation for deposit
10 in the Fund. Surcharges shall at no time be considered
11 revenues to the Treasury of the United States and shall
12 not be considered a basis for offset of appropriations
13 which would otherwise be made to the National Park
14 Service.

15 (c) ALLOCATIONS.—The Foundation shall allocate
16 monies from the Fund to units of the National Park Sys-
17 tem for the purposes enumerated in subsection (a). Alloca-
18 tions shall be made in accordance with criteria developed
19 by the Foundation, to meet priority needs identified by
20 the National Park Service.

21 (d) AUDITS.—The Comptroller General of the United
22 States shall have the right to examine such books, records,
23 documents, and other data of the Fund as may be related
24 to the expenditures of amounts paid under subsection (b).

1 **SEC. 9. FINANCIAL ASSURANCES.**

2 (a) NO NET COST TO THE GOVERNMENT.—The Sec-
3 retary shall take such actions as may be necessary to en-
4 sure that minting and issuing coins under this Act will
5 not result in any net cost to the United States Govern-
6 ment.

7 (b) PAYMENT FOR COINS.—A coin shall not be issued
8 under this Act unless the Secretary has received—

9 (1) full payment for the coin;

10 (2) security satisfactory to the Secretary to in-
11 demnify the United States for full payment; or

12 (3) a guarantee of full payment satisfactory to
13 the Secretary from a depository institution whose
14 deposits are insured by the Federal Deposit Insur-
15 ance Corporation or the National Credit Union Ad-
16 ministration Board.

